

REMARKS/ARGUMENTS

Prior to entry of this amendment, the application included claims 1-25. A final Office Action mailed May 27, 2005, rejected claims 10-12, 15, 17-21 and 24 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,014,700 to Bainbridge et al. ("Bainbridge"). Claims 1-8, 13, 14, 22, 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bainbridge in view of US Patent No. 6,018,805 to Ma et al. ("Ma"). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bainbridge in view of Ma as applied to claim 1, and further in view of US Patent No. 6,704,692 to Banerjee et al. ("Banerjee"). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bainbridge as applied to claim 10 in view of Banerjee.

This amendment amends claims 10 and 17 and cancels claim 20. No claims have been added. Hence, after entry of this amendment, claims 1-19 and 21-25 remain pending in the application.

Claims 10 and 17 were amended to include limitations similar to those recited by claim 1.

§ 102(b) Rejections

Claims 10-12, 15, 17-21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bainbridge. The applicant respectfully traverses the rejections and requests reconsideration of the claims. Bainbridge fails to teach or suggest each element of any rejected claim.

For example, claim 10, as amended, recites, inter alia, that "the client computer comprises: a first object proxy associated with the first object; a second object proxy associated with the second object; and a distributor program for receiving requests for the function and for selecting between the first and the second object to perform the function for the client program, wherein the requests are passed from the client program." Bainbridge fails to teach or suggest

that a client computer comprises a plurality of proxy objects, each of which is associated with an object on a server.

The final office action asserts that Fig. 2 and column 6, lines 1-7 of Bainbridge teaches a first object proxy and a second object proxy. The applicant respectfully disagrees. Fig. 2 clearly illustrates a single object proxy (reference numeral 41). The cited portion of the written description is reproduced in full:

“Specifically, when first application program 40 wishes to make a remote procedure call to request that work be done by a server (step 401 of Fig. 4), it sends a message to the proxy object 41 informing the proxy object of what work it wants done by a server. Proxy object 41, in conjunction with ORB 42, forms an object reference (step 402). The object reference (32 in Fig. 3A) that is formed contains additional components: a server group identifier (315a) which identifies a server group should be used to satisfy the client request, and a policy group identifier (314a) which identifies a group of policies to be used in determining which server computer of said group should be selected to do the requested work.”

(emphasis added). Both the figure and the accompanying description teach only a single object proxy. Instead of using multiple object proxies (as claimed), Bainbridge (Fig. 2, c. 6, l. 55 – c. 7, l. 39) teaches a single object proxy, along with a server groups unit, which selects a server to service that object proxy.

Hence, Bainbridge operates in a fundamentally different way than claim 10, and the applicant respectfully submits that claim 10 therefore is allowable over Bainbridge. For at least similar reasons, claim 17 is believed to be allowable over Bainbridge as well. Dependent claims 11-16, 18, 19 and 21-25 are believed to be allowable as depending from allowable base claims and as being directed to specific novel substitutes.

§ 103 Rejections

Claims 1-8, 13, 14, 22, 23 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bainbridge in view of Ma. Claim 9 was rejected under 35 U.S.C. § 103(a) as

being unpatentable over Bainbridge in view of Ma as applied to claim 1, and further in view of Banerjee. These rejections are respectfully traversed as well.

Claim 1 recites, inter alia, a first computer comprising “a first object proxy, wherein the first object proxy is associated with a first object resident on a second computer in communication with the network; and a second object proxy, wherein the second object proxy is associated with a second object resident on the second computer.” Claim 1 also recites that “the first object and the second object perform a function.” As noted above, Bainbridge fails to teach or suggest multiple object proxies, especially where the object proxies are associated with objects that perform the same function.

Ma fails to remedy this deficiency of Bainbridge. While Ma does teach the concept of folder proxies containing application component proxies, and that a folder may contain components having “a similar purpose or function,” Ma does not teach or suggest a combination of a first object proxy that is associated with a first object that performs a function, and a second object proxy that is associated with a second object that performs the same function, such that a distributor can select between the first and second objects to perform the function. Hence, even if Ma were combined with Bainbridge, the combination would fail to teach or suggest the limitations of claim 1, and claim 1 therefore is believed to be allowable over the combination. Claims 2-9 are believed to be allowable as depending from allowable base claims and as being directed to specific novel substitutes.

Application No. 09/905,384
Amendment dated July 27, 2005
Amendment under 37 CFR 1.116 Expedited Procedure Examining Group 2195

PATENT


Conclusion

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: 2005-07-27


Chad E. King
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
CEK/tnd
60522290 v1